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ORIGINAL

JOHN WELLS KING
ADMITTED IN VA AND DC

OUR FILE NO.
1352-102-65

March 11, 1998

DOCKET FILE COPY ORIGINAL

Magalie R. Salas, Secretary
Federal Communications Commission
Washington, D.C. 20554

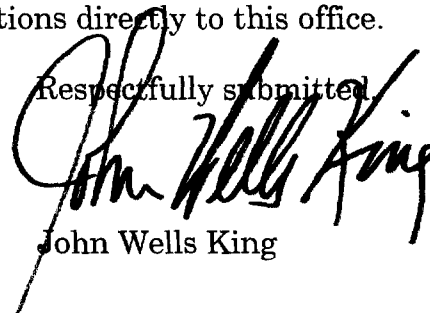
Re: MM Docket No. 97-227
Wasilla, Anchorage, and Sterling, Alaska

Dear Ms. Salas:

On behalf of KMBQ Corporation I transmit herewith the original and four copies of its Reply Comments in the above-referenced rule making proceeding to amend the FM Table of Allotments. These are filed in response to the Commission's Public Notice, Report No. 2257, released February 24, 1998.

Kindly communicate any questions directly to this office.

Respectfully submitted,



John Wells King

JWK/ah
Enclosure

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Before The
Federal Communications Commission

Washington, D.C. 20554

In The Matter Of)	
)	
Amendment of Section 73.202(b))	Docket No. 97-227
Table of Allotments)	RM-9159
FM Broadcast Stations)	RM-9229
(Wasilla, Anchorage, and Sterling,)	RM-9230
Alaska])	

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Reply Comments of KMBQ Corporation

KMBQ Corporation ("KMBQ"), by its attorneys, herewith submits its Reply Comments in response to the Commission's Public Notice of the counterproposals filed in RM-9229 and RM-9230.¹

Background

KMBQ is the proponent of a second local transmission service at Wasilla, Alaska, where it operates FM Broadcast Station KMBQ. The Commission granted KMBQ's petition for rule making to add Channel 273C2 at Wasilla, in a *Notice of Proposed Rule Making* ("NPRM") released October 31, 1997.²

¹ "Office of Public Affairs, Reference Operations Division, Petitions for Rulemaking Filed," Report No. 2257, February 24, 1998. The Public Notice invites reply comments within 15 days thereafter, or by March 11, 1998. Accordingly, these reply comments are timely filed.

² DA 97-2270.

Comments and counterproposals were filed in response to the NPRM by Pioneer Broadcasting, Inc. ("Pioneer"), and by Chester P. Coleman ("Coleman").

Pioneer proposes to allot Channel 265C2 to Wasilla rather than Channel 273C2, and in addition, to substitute Channel 276C1 at Anchorage for Channel 276C2, in order to permit its KMXS(FM) to upgrade to Class C1.

Coleman proposes to allot Channel 273C2 to Sterling, Alaska, as that community's first local FM allotment.

The Pioneer Proposal

Pioneer's proposal is premised on the reasoning that if the Commission allots Channel 273C2 to Wasilla, it will preclude the upgrade of the facilities of its KMXS(FM) on Channel 276 from Class C2 to Class C1. Although KMBQ is not opposed in principle to the notion of an upgrade for KMXS, KMBQ observes that Pioneer has not maximized its existing Class C2 facilities for KMXS, which operates with 27 kW at -55 meters HAAT.³

The convenience to Pioneer of a co-channel upgrade for KMXS on Channel 276 has a severe adverse impact on the realistic prospect for a second local transmission service at Wasilla. The Pioneer proposal would

³ See the attached Engineering Statement of Hatfield & Dawson.

require the construction of a completely new transmitter site for Channel 265C2 at Wasilla. No existing FM transmitter site meets required spacings to existing stations and allotments for a Channel 265C2 operation at Wasilla.

Construction of a new transmitter site for a Wasilla facility would be an unusually heavy financial burden due to the limited availability of suitable land and electric power in the region. Given the economic size and population of the market (1990 Census: 4,048), the greatest potential for realization of a new broadcast operation would be to co-locate it with existing facilities. Moreover, the extended cold-weather season in Alaska limits the period of the year during which tower construction can be carried out.

The contour protection provisions of Section 73.215 offer no opportunity for authorization of a short-spaced facility at the existing KMBQ transmitter site on Channel 265C2. Such a facility would be short-spaced to second-adjacent channel Station KGOT(FM), Channel 267C2, at Anchorage. The KMBQ site is within the 60 dBu F(50,50) KGOT contour.

For these reasons, the Pioneer proposal to reserve a co-channel upgrade to itself, and to require a separate standalone Wasilla facility, is inferior. It meets only Pioneer's own proprietary interests.

There is a superior alternative, however, that will provide Pioneer with upgrade potential for KMXS, and will also enable installation of a new FM facility at the KMBQ transmitter site in Wasilla. The allotment of Channel 273C2 at Wasilla, and the allotment of Channel 277C1 at Anchorage, will achieve these objectives.

Channel 277C1 can be allotted at Anchorage using the licensed site of KRUA(FM) as reference coordinates. The licensed sites of KQEZ(FM) and the authorized site of KFAT(FM) are also within 200 meters of the KRUA site. Therefore, a fully-spaced Channel 277C1 allotment can be made in substitution of Channel 276C2.

An operation on Channel 277C1 at the licensed KMXS site would be short-spaced by 19.3 km to KWVV(FM), Channel 278C, at Homer, Alaska, but Pioneer could make a Section 73.215 contour protection election, without causing prohibited overlap to KWVV. Thus, Pioneer is able to operate a Class C1, 100 kW facility on Channel 277C1, from its existing KMXS site.

The superiority of this plan is that it would be unnecessary for either Pioneer or KMBQ to construct new transmitter sites to operate facilities on the allotted channels.

For these reasons, KMBQ requests that in the event the Commission determines to upgrade the Channel 276C2 allotment at

Anchorage, as proposed by Pioneer, the Commission instead effect an upgrade by the allotment of Channel 277C1, permitting the allotment of Channel 273C2 at Wasilla.

The Coleman Proposal

The Coleman proposal is mutually exclusive with both the KMBQ proposal, as noticed in the NPRM, and with the Pioneer counterproposal.

There are at least eleven other Class C2 channels that could be allotted at the Sterling reference coordinates.⁴

Accordingly, the Commission may allot a channel at Sterling that does not preclude the allotment of a second local transmission service for Wasilla, or the substitution of a Class C1 channel for Channel 276C2 at Anchorage.

Conclusion

The Commission should adopt KMBQ's proposal, noticed in the NPRM, to allot Channel 273C2 as a second local transmission service for Wasilla, Alaska. The Commission may, if it determines to accept Pioneer's counterproposal for an upgrade of the KMXS facilities, substitute Channel 277C1 for Channel 276C2 at Anchorage, Alaska. These two

⁴ See Engineering Statement.

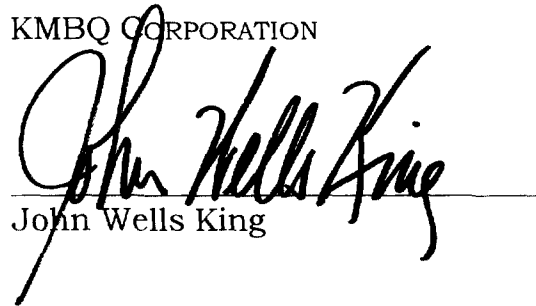
actions are superior to Pioneer's counterproposal because they can be effectuated at existing transmitter sites.

The Commission may allot any of a number of available channels to Sterling, Alaska, if it determines to accept the Coleman counterproposal.

KMBQ reiterates its expression of interest in a Wasilla allotment, and will apply for authority to construct and operate a new FM broadcast station on the channel, if allotted.

Respectfully submitted,

KMBQ CORPORATION

A handwritten signature in black ink, reading "John Wells King", is written over a horizontal line. The signature is stylized with a large initial "J" and a long, sweeping underline.

John Wells King

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March 11, 1998

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Engineering Statement

This Engineering Statement has been prepared on behalf of KMBQ Corporation ("KMBQ") in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to add a new FM channel at Wasilla, Alaska. Comments and Counterproposals to KMBQ's proposal have been filed by Pioneer Broadcasting, Inc. ("Pioneer") and Chester P. Coleman ("Coleman").

Comments and Counterproposal of Pioneer Broadcasting, Inc.

Pioneer proposes in its Comments and Counterproposal that channel 265C2 be allotted to Wasilla rather than channel 273C2, and that channel 276C1 be allotted to Anchorage in lieu of channel 276C2, in order to permit the upgrade of Pioneer's station KMXS(FM) to Class C1.

The Pioneer proposal is inferior to the KMBQ proposal in that it would require the construction of a new transmitter site for channel 265C2. There is not one single established FM transmitting site which meets the required spacings to existing stations and allotments, for operation on channel 265C2 at Wasilla. The construction of a new FM transmitting facility to accommodate this particular channel would be particularly expensive, given the limited availability of suitable land, roads and electrical power in this region of Alaska. Furthermore, due to the extended cold-weather season in Alaska, there is only a limited time each year during which tower construction can be carried out. These factors would result in considerable delay in bringing an additional FM service to Wasilla should channel 265C2 be allotted in lieu of channel 273C2.

It would not even be possible for an applicant for channel 265C2 at Wasilla to file a short-spaced

application at an existing site under the provisions of §73.215. For example, the existing site of KMBQ(FM) is just 3.6 kilometers from the proposed reference site for channel 265C2. That site would be short-spaced to second-adjacent channel station KGOT(FM) 267C2 at Anchorage, and a contour protection analysis reveals that the KMBQ(FM) site is encompassed by the 60 dBu F(50,50) contour of KGOT(FM), as calculated assuming maximum Class C2 facilities per §73.215(b)(ii).

A superior alternative to the Pioneer proposal would be to allot channel 273C2 at Wasilla, and to allot channel 277C1 at Anchorage in lieu of channel 276C2. This proposal would still allow Pioneer to upgrade KMXS(FM) to Class C1, while allotting a channel at Wasilla which can be implemented at a fully-spaced existing FM transmitting site, that of KMBQ(FM).

Channel 277C1 can be allotted at Anchorage using as reference coordinates the licensed site of KRUA(FM): NL 61° 20' 11" x WL 149° 30' 43". In addition, the licensed site of KQEZ(FM) and the construction permit site of KFAT(FM) are both within 200 meters of this site.

The use of channel 277C1 at the licensed site of KMXS(FM) would be short-spaced by 19.3 kilometers with respect to the operation of KVVV(FM) 278C at Homer. This would not necessarily prevent Pioneer from upgrading KMXS at the present site, however. For example, under the provisions of §73.215 of the Commission's Rules, KMXS(FM) could operate on channel 277C1 with full Class C1 power of 100 kilowatts at its present site and height¹, without causing prohibited contour overlap with respect to KVVV(FM). Furthermore, there are several additional existing transmitter sites at which KMXS(FM) could operate as a fully-spaced or short-spaced station.

The Commission has repeatedly expressed its preference for the co-location of broadcast facilities. Under this alternative of allotting channel 273C2 at Wasilla and channel 277C1 at

¹ While Pioneer has expressed its intention to apply for the Class C1 channel, if allotted, we note that Pioneer has not implemented anywhere close to full Class C2 facilities for KMXS(FM), which operates with 27 kilowatts at -55 meters HAAT.

Anchorage, it would not be necessary to construct new transmitter sites for either of the Wasilla or Anchorage channels.

Comments and Counterproposal of Chester P. Coleman

Coleman proposes in his Comments and Counterproposal that channel 273C2 be allotted to Sterling, Alaska, as that community's first local FM allotment, rather than as a second local FM allotment at Wasilla.

While Coleman's proposal is mutually exclusive with KMBQ's proposal, there are no less than eleven other Class C2 channels which could be allotted at the Sterling reference coordinates (NL 60° 30' 55" x WL 150° 47' 49"). These Class C2 channels are: 231, 232, 236, 246, 249, 253, 257, 283, 284, 285, and 300. Any one of these channels may be substituted for the channel requested by Coleman.

We note additionally that the Coleman proposal is mutually exclusive with the Pioneer proposal, in that the spacing between the two proposals is 67.6 kilometers, while the required third-adjacent channel C1-to-C2 spacing is 79 kilometers. Thus, allotment at Sterling of one of the alternate channels listed above will not only eliminate the mutual exclusivity between the Coleman and KMBQ proposals, but will also eliminate the mutual exclusivity between the Coleman and Pioneer proposals, and provide a first local FM service to Sterling.

Seattle, WA

FM SEPARATION STUDY

Job Title :Anchorage 277C1

Separation Buffer 100 km

FCC DB Date : 03/05/98

Channel 277C1 (103.3 MHz)

Coordinates : 61-20-11 149-30-43

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KMXS PADD Counterproposal	Anchorage AK	Docket97-227	276C1 103.1	.0	61-08-13 149-50-06	218.1	28.21 -148.79	177 SHORT
KMXS LIC	Anchorage AK	BLH940908KC	276C2 103.1	27.0 -55.0	61-08-13 149-50-06	218.1	28.21 -129.79	158 SHORT
KMXS PDEL	Anchorage AK	Docket97-227	276C2 103.1	.0	61-08-13 149-50-06	218.1	28.21 -129.79	158 SHORT
KWVVF LIC	Homer AK	BLH810217AI	278C 103.5	100. 351.0	59-41-03 151-37-51	213.2	217.81 8.81	209 CLOSE

Horizontally Polarized Only

** End of separation study for channel 277C1 **

HATFIELD & DAWSON **SEATTLE, WA**

This map exhibit demonstrates that there are no existing fully-spaced sites for operation on channel 265C2 at Wasilla, Alaska.

55.5 km from KBFX
Ch. 263C3 Anchorage

X NEW CP 204A X KMBQ LIC 259C1

X NEW CP 242A

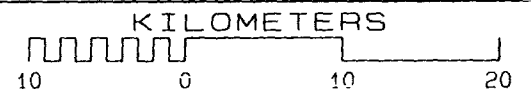
N 61 30 00
W 150 00 00

X KADX CP 234C2

X K~~000~~ CFC 2~~00~~C1

X KFAT CP 225C
X K~~000~~ CFC 2~~00~~C2

57.5 km from KGOT
Ch. 267C2 Anchorage



Established FM Sites

Hatfield and Dawson

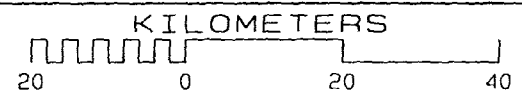
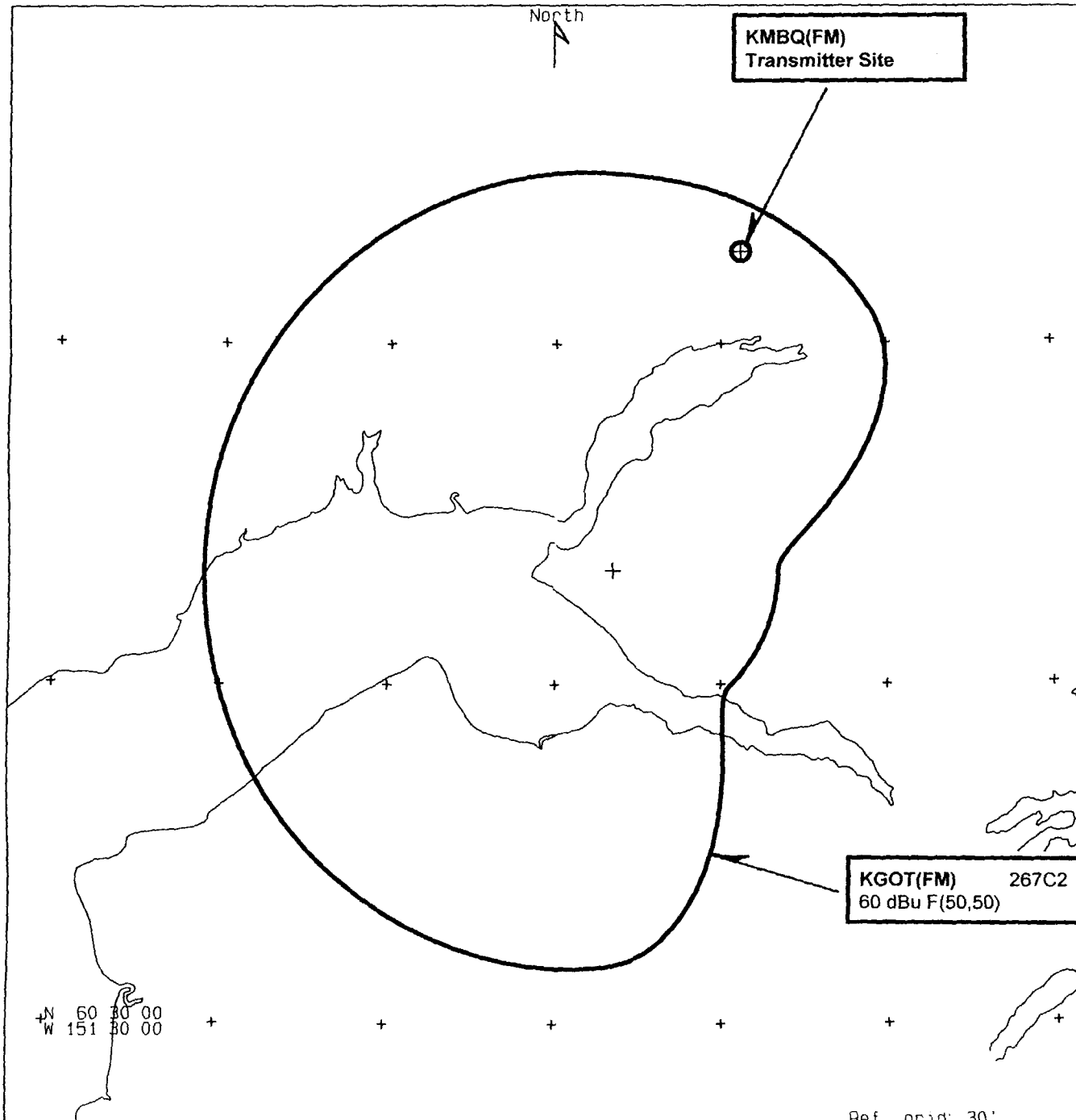
March 1998

Exhibit

Ref. grid 30'

HATFIELD & DAWSON SEATTLE, WA

This map exhibit demonstrates that it would not be permissible to operate channel 265C2 at the KMBQ(FM) transmitter site. This site would be short-spaced to KGOT(FM) 267C2, and would be completely encompassed by the 60 dBu F(50,50) contour from KGOT.



Short-Spacing Analysis

Hatfield and Dawson

March 1998

Exhibit

Ref. grid: 30'

HATFIELD & DAWSON **SEATTLE, WA**

This map exhibit demonstrates that KMXS(FM) could operate with maximum Class C1 power at its present site and height. This operation would meet the provisions of §73.215 with respect to KVVV(FM).

KMXS(FM) 277C1
60 dBu F(50,50)
54 dBu F(50,10)
(100 kW at present site
and height assumed)

KVVV(FM) 278C
60 dBu F(50,50)
54 dBu F(50,10)
(Maximum facilities
assumed)

208.5 km from KVVV
Ch. 278C Homer

KILOMETERS
50 0 50

Short-Spacing Analysis

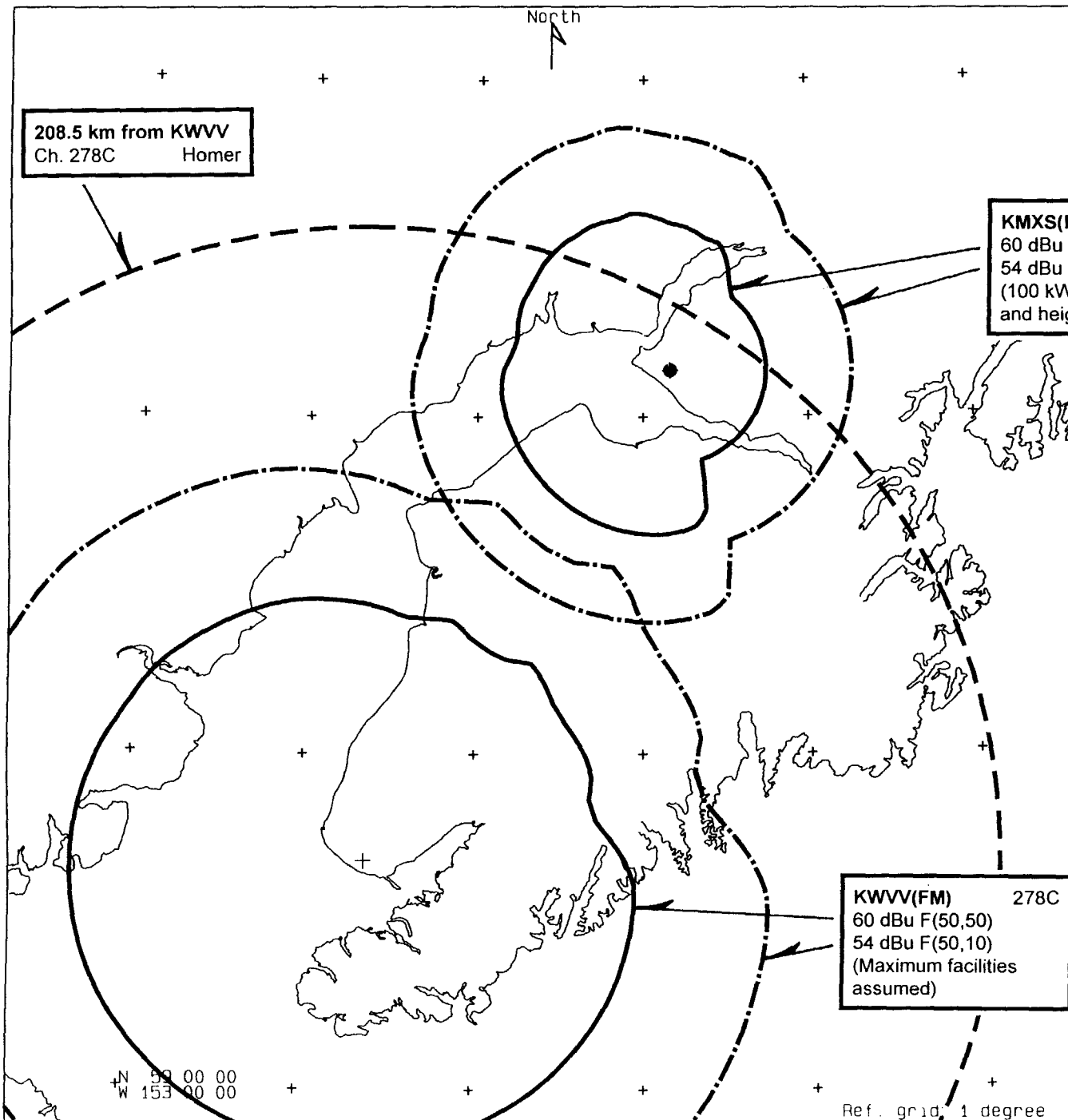
Hatfield and Dawson

March 1998

Exhibit

Ref. grid, 1 degree

N 99 00 00
W 153 00 00



Certification

This Engineering Statement has been prepared on behalf of KMBQ Corporation. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a staff engineer in the firm of Hatfield & Dawson Consulting Engineers, and am registered as a Professional Engineer in the States of Washington and Alaska.

Signed this 10th day of March, 1998



Stephen S. Lockwood, P.E.

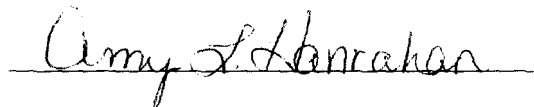
CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

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San Francisco, CA 94111
Counsel for Pioneer Broadcasting Company

David Tillotson, Esquire
4606 Charleston Terrace, N.W.
Washington, D.C. 20007
Counsel for Chester B. Coleman

* John A. Karousos, Esquire
Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau
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Washington, D.C. 20554

A handwritten signature in cursive script, reading "Amy L. Hennehan", written over a horizontal line.

March 11, 1998